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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,674	02/29/2000	Sreenivas Gollapudi	242/199	9849

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EXAMINER	
DONAGHUE, LARRY D	
ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/515,674	GOLLAPUDI ET AL.	
	Examiner	Art Unit	
	Larry D Donaghue	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-23 are presented for examination.

2. Claims 4-8, and 14-18 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 2 and 12, calculating row differences between successive rows of in said prefetch data. Claims 4-8 and 14-18 set forth the differences is between a first and second row, thereby boarding the aspect of the difference is between successive rows.

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-37 of U.S. Patent No. 6,112,197. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant application is merely applying the compression technique claimed in patent 6,112,197, to prefetching of data, prefetching is well known to the extent claimed (see for example Using Predictive Prefetching to Improve World Wide Web Latency 1996).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 11, 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. (6,178,461).

Chan et al. taught the invention as claimed including a system for data transfer between a client (110) and a server(150) comprising the steps of identifying data requested by a client; identifying prefetch data, said prefetch data comprising information not immediately requested by said client (col. 11, lines 29-

47); determining the existence of data redundancies in said prefetch data (col. 11, lines 29-47, col. 2, lines 26-48) ; and transmitting a reduced set of prefetch data from the server to the client, said reduced set comprising a smaller memory footprint than said prefetch data (col. 2, lines 10-25, col. 2, lines 50-60, col. 3, lines 3-20, Col. 11, lines 29-47) .

7. Claims 11 and 23 are rejected for the same rationale as set forth above.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1, 2, 3, 9, 11, 12, 13, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable Prolli et al. over in view of Moll (5,600,316).

Prolli et al. taught the invention substantially as claimed including identifying data requested by a client (abstract, col. 14-40); identifying prefetch data, said prefetch data comprising information not immediately requested by said client (col. 1, lines 14-40, abstract).

As to claim 22, Prolli et al. taught said prefetch data comprises information associated with a web page (col. 1, lines 14-25).

Prolli et al. did not expressly teach determining the redundancy of the prefetch data. Moll taught determining the existence of data redundancies in said prefetch data (figure 8a-c, see mask , col. 12, lines 33-56, abstract); and transmitting a reduced set of prefetch data from the server to the client, said reduced set comprising a smaller memory footprint than said prefetch data (col. 3, lines 14-32).

It would have been obvious to one of ordinary skill in the art to combine these references as Moll expressly discloses the desirability of conserving memory space and transmission time.

As to claims 2 and 12 Moll taught determining the existence of said data redundancies is performed by calculating row differences between successive rows in said prefetch data ((figure 8a-c, see mask , col. 12, lines 33-56).

As to claims 3 and 13, Moll taught calculating said row differences between successive rows in said prefetch data is performed by identifying identical column values for said successive rows (figure 8a-c, see mask , col. 12, lines 33-56).

As to claims 9 and 19, Moll taught redundancies in said prefetch data is performed by identifying multiple copies of an item of information in said prefetch data; and the act of transmitting a reduced set of

prefetch data comprises sending a single copy of said item that has not changed ,between a first row and a second row (figure 8a-c, see 1st line of transmitted data , col. 12, lines 33-56) .

10. Claims 1, 2, 3, 9, 11, 12, 13, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable Agarwi. (5822,749) over in view of Moll (5,600,316).

Agarwi taught the invention substantially as claimed including identifying data requested by a client (col. 3, lines 27-55); identifying prefetch data, said prefetch data comprising information not immediately requested by said client (col. lines 27-55).

As to claim 22, Agarwi taught prefetch data comprises , information in a database table (col. 47, lines 50-66).

Agarwi did not expressly teach determining the redundancy of the prefetch data. Moll taught determining the existence of data redundancies in said prefetch data (figure 8a-c, see mask , col. 12, lines 33-56, abstract); and transmitting a reduced set of prefetch data from the server to the client, said reduced set comprising a smaller memory footprint than said prefetch data (col. 3, lines 14-32).

It would have been obvious to one of ordinary skill in the art to combine these references as Moll expressly discloses the desirability of conserving memory space and transmission time.

As to claims 2 and 12 Moll taught determining the existence of said data redundancies is performed by calculating row differences between successive rows in said prefetch data ((figure 8a-c, see mask , col. 12, lines 33-56).

As to claims 3 and 13, Moll taught calculating said row differences between successive rows in said prefetch data is performed by identifying identical column values for said successive rows (figure 8a-c, see mask , col. 12, lines 33-56).

As to claims 9 and 19, Moll taught redundancies in said prefetch data is performed by identifying multiple copies of an item of information in said prefetch data; and the act of transmitting a reduced set of prefetch data comprises sending a single copy of said item that has not changed ,between a first row and a second row (figure 8a-c, see 1st line of transmitted data , col. 12, lines 33-56) .

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Roccaforte	6,484,179
Mighdoll et al.	6,662,218
Chatterjee et al.	6,675,195

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Donaghue whose telephone number is 571-272-3962. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).